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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,236	04/14/2006	Toshiaki Wada	OOCL2842004OP5271	2217
26479	7590	07/12/2010	EXAMINER	
STRAUB & POKOTYLO			NGUYEN, SIMON	
788 Shrewsbury Avenue			ART UNIT	
TINTON FALLS, NJ 07724			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,236	<b>Applicant(s)</b> WADA ET AL.	
	<b>Examiner</b> SIMON D. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-76, 135 and 144 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-76, 135 and 144 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 66 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 66 can not depend on cancelled claim 30.

2. Claim 46, the sign “[+]” should be deleted from the claim since it has not represented any subject matter in the claim.

### ***Response to Amendment***

3. According to the amendment filed on 9/4/09, claims 40-76, 135, 144 are still pending. Claims 1-39, 77-134, 136-143, 145-265 were cancelled.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-56, 62-72, 76, 135, and 144 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusaka et al. (US 2004/0109063).

Regarding claim 40, Kusaka discloses an information acquisition device (figs. 2, 4), which acquires digital information (image), comprising: a first transmission unit (by wireless portable telephone circuit 72 of fig.4) having directivity and wirelessly transmitting an information request signal in a direction of the directivity (identification information of an image file it wishes to read in a plurality of image file in image servers) (paragraph 222); a reception unit (by the wireless portable telephone circuit 72 of fig.4) receiving the image file transmitted by a gateway server in a reception signal (abstract, paragraphs 223); an address for image identification for each application (paragraphs 268, 351, 534) which means that each captured image has its own address (by adding address for the captured image) to identify stored images, wherein the captured images can be stored according to addresses in the memory 59 or 77 of fig.4 which is also meant that an information addition unit for adding an address is inherently in the information acquisition device; an image capturing unit obtaining image data by capturing a subject image in a same direction as the directivity direction of the signal transmitted by the first transmission unit and an information storage unit for storing the captured image (59, 77 of fig.4, paragraphs 228, 232-236); an information representation unit (display) for displaying the stored image data (paragraphs 227-228, 233, 236); an operation unit (CPU 50 or shooting control unit 60) for issuing an instruction to start acquiring information and an image in on of a plurality of modes (for

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example, acquiring by shooting picture with a camera (as a first mode) or acquiring by transmitting the image identification to server and obtain the identified image by wireless portable circuit 72 (as a second mode)), wherein the reception unit has at least one of no directivity (use the camera to shoot images at different directions as wished) and broader directivity than the first transmission unit (only receiving images via server) (figs. 1-4, 16-19, 32-33, 37, 77-78, 82, 121-122 paragraphs 222-237, 247, 255).

Regarding claim 135, this claim is rejected for the same reason as set forth in claim 1, wherein Kusaka further discloses a detection step to detect an operation to start information acquisition to capture image (figs. 3, 6, 14-17, 19, 21-22, 32, 34).

Regarding claims 41, 144, Kusaka further discloses a wireless phone embedded with the camera controlled by a CPU 50 for performing different modes or settings (27 of fig.3) such as a) capturing images by use the camera to shoot pictures (fig.3), b; transmitting a request for captured images stored in a server (an acquiring mode) and receiving the requested captured image from the server (a mix mode) (figs.1-4, paragraphs 222-237, 247, 255).

Regarding claim 42, Kusaka further discloses an information transmission unit (72 of fig.4) externally transmitting the information or image data stored (in 59 or 77 of fig.4) to a server (figs. 1, 4, abstract).

Regarding claim 43, Kusaka further discloses selecting an image and transmitting a request to the server for the selected image (abstract, paragraphs 220, 227, 249, 256, 258, 271, 273, 278, 329, 346, 364).

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Regarding claim 44, Kusaka further discloses transmitting information to an address (server) indicating a predetermined destination (fig.1, paragraphs 276-278, 367-369, 459-460, 550-552).

Regarding claim 45, Kusaka further discloses a setting unit setting information relating to a type of information received and acquired by the reception unit and adds information to a type of information set by the setting unit to be transmitted (figs.3-4, 16-19, 32-33, 37, 77-78, 82, 121-122, paragraphs 246-247, 309, 313, 333-334, 342, 352, 435, 525).

Regarding claims 46-47, Kusaka further discloses an information screen unit for screening the information received by the reception unit, selecting, and storing the screened information (paragraphs 228, 233, 236, 237, 245, 249, 290, 299, 306, 312, 403, 495, 586).

Regarding claim 48, Kusaka further discloses wherein the information relating to the type of identification as a type of information (identification of image) (abstract, paragraphs 234-241).

Regarding claim 49, Kusaka further discloses the type of information relating to a size of information (paragraph 11).

Regarding claim 50, Kusaka further discloses the type of information relates to address information in a network (paragraphs 276-278, 367-369, 459-471, 534, 550-552).

Regarding claim 51, Kusaka further discloses server address designating an information providing the inquired information ((paragraphs 276-278, 367-369, 459-471,

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534, 550-552), wherein Kusaka further discloses first and second transmission units (for picture taken (use transmission 31 and reception 32 of figs.32, 77, or photometric circuit 13, wireless portable telephone circuit 72, GPS circuit 61 of figs. 4, 33; or short distance wireless circuit 276 for camera, and wireless phone circuit for transmitting information to server (fig.37).

Regarding claim 52, Kusaka further discloses the camera (the second transmission unit) wirelessly transmits an electromagnetic wave including light and sound wave (figs. 3, 33, 77, 121, 125, paragraphs 230-231, 287-288, 378-379, 470-471, 561-562).

Regarding claim 53, this claim is rejected for the same reason as set forth in claim 51.

Regarding claim 54, Kusaka further discloses selecting information including the identification of selected information which will be transmitted (abstract, paragraphs 234-241).

Regarding claim 55, Kusaka further discloses a warning when the information acquired is incomplete (paragraph 249).

Regarding claim 56, Kusaka further discloses retransmitting the image (paragraphs 331, 423, 514, 606).

Regarding claim 62-64, Kusaka further discloses the captured image, equipment information, and added information are stored in memories 59, 69, 77 prior to be transmitted (figs. 4, 6, 9-10, 34, 35, 39, paragraphs 236-237, 258, 290-293, 296, 507, 509, 576, 601).

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Regarding claims 65-66, Kusaka further discloses a history storage unit, an acquired information determination unit (screen control circuit 92 of figs. 33, 78) and the storage unit for storing the acquired information (figs. 4, 33, 34, 35, 39, paragraphs 296, 302, 304, 324, 326, 395, 416, 418, 507, 509, 576, 601).

Regarding claims 67-70, Kusaka further discloses a detection of information provides for the information acquisition device in the direction of the directivity of an image (figs. 34, 79, 92, 97-102).

Regarding claims 71-72, Kusaka further discloses updating of the control program or subroutine (paragraphs 247, 250, 252, 326, 418, 509, 601), wherein the updating the control subroutine inherently includes detecting/checking unreasonable program and deleting unreasonable program.

Regarding claim 76, Kusaka further discloses the device used in a public network (Internet) (fig.1).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 57-61, 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaka et al. (US 2004/0109063) in view of Iida (US 2004/0053637).



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Regarding claims 57-58, Kusaka fails to teach warning when the storage is fully occupied.

lida discloses a communication device for capturing images in a communication system, wherein the system generates a warning when the storage is fully occupied (paragraph 100). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Kusaka, modified by lida to notify a user the storage is run out of space for storing image which will improve the system performance.

Regarding claims 59-61, lida further discloses if data memory 28 becomes almost fully occupied, image data sets are stored in recording medium 32 (paragraph 100). It should be noted that in order to know the data memory to be fully occupied as cited by lida, lida inherently sets a maximum value of the size of the information acquired into the memory.

Regarding claims 73-75, lida further discloses encryption/decryption information (paragraphs 37, 105). It should be noted that, for prevention unauthorized person to access stored information, the information must be decrypted and only be encrypted for authorized person only.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 8, 2010

/SIMON D NGUYEN/

Primary Examiner, Art Unit 2618